

Conference Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 303

HOUSE BILL 2562

AN ACT

AMENDING SECTION 41-2115, ARIZONA REVISED STATUTES; RELATING TO THE
DEPARTMENT OF WEIGHTS AND MEASURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2115, Arizona Revised Statutes, is amended to
3 read:

4 41-2115. Civil penalties

5 A. A person who violates this chapter, any rule of the department or
6 any license requirement is subject to a civil penalty imposed by the
7 director. A person who violates this chapter, any rule of the department or
8 any license requirement may request a hearing to review a civil penalty
9 imposed under this section. The department shall conduct the hearing in
10 accordance with chapter 6, article 10 of this title. Except as prescribed in
11 subsection B of this section, the civil penalty shall not exceed five hundred
12 dollars for each infraction nor more than five thousand dollars for any
13 thirty day period at each business location, for each registered service
14 representative or for each public weighmaster, provided that no person shall
15 be assessed more than fifty thousand dollars per thirty day period.

16 B. The director may double the maximum civil penalty if any of the
17 following apply APPLIES:

18 1. A commercial device is found to be in violation with results that
19 favor the retailer at more than twice the allowable tolerance as stated in
20 national institute of standards and technology handbook 44.

21 2. A package is found to exceed the maximum allowable variation for
22 the labeled quantity allowed in national institute of standards and
23 technology handbook 133 or the average error of the lot is twice the sample
24 error limit in favor of the retailer.

25 3. A stage II vapor recovery system reinspection fails the required
26 tests.

27 4. A maximum civil penalty has been imposed on a retailer for a price
28 posting or price verification violation and in a reinspection, if conducted
29 within ninety days, the failure rate is ten per cent or more and at least one
30 error is in favor of the retailer.

31 5. A MAXIMUM CIVIL PENALTY HAS BEEN IMPOSED ON A REFINER, REFINERY,
32 REGISTERED SUPPLIER OR TRANSMIX PROCESSING FACILITY FOR A VIOLATION OF MOTOR
33 FUEL QUALITY STANDARDS OR PRODUCING A PRODUCT TRANSFER DOCUMENT THAT IS
34 INCORRECT, INCOMPLETE OR PRODUCED IN ANY MANNER TENDING TO MISLEAD OR DECEIVE
35 A PERSON.

36 C. The attorney general shall bring actions to recover civil penalties
37 pursuant to this section in the superior court in the county in which the
38 violation occurred or in a county where the agency has its office. All
39 monies derived from civil penalties shall be deposited, pursuant to sections
40 35-146 and 35-147, in the state general fund.

APPROVED BY THE GOVERNOR MAY 30, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 30, 2006.